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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,276	03/10/2008	Erich Wanker	009848-0356193	5727

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PILLSBURY WINTHROP SHAW PITTMAN LLP
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EXAMINER	
SAMALA, JAGADISHWAR RAO	
ART UNIT	PAPER NUMBER
1618	
MAIL DATE	DELIVERY MODE
08/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/589,276	WANKER ET AL.
	Examiner	Art Unit
	JAGADISHWAR SAMALA	1618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,17,18 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 17-18 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Receipt is acknowledged of Applicant's Amendments and Remarks filed on 05/16/2011.

- Claims 17 and 20 have been amended.
- Claims 19 and 21 have been canceled.
- Claims 1, 17-18 and 20 are pending and presented to examination.

Claim Objections

Claim 20 is objected to under 37 CFR 1.75(c) as being in improper form because claim is dependent on the canceled claim 19. Appropriate correction is needed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 17-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Choi et al (US 2002/0086067) **are withdrawn** in view of amendments to claims.

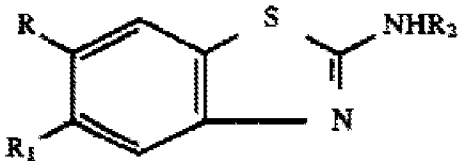
Claims 1, 17-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Castillo et al (W0-03/013442) **are withdrawn** in view of amendments to claims.

However, upon further consideration a new ground(s) of rejection is prepared as follow.

Claims 1, 17-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Chapelle et al (US 5,975,903)

Claims are drawn to a method for the treatment or diagnosis of a polyglutamine disease comprising administering a pharmaceutical or diagnostic composition comprising benzothiazole compounds according to claim 1.

Chapelle discloses a method for treating neurodegenerative diseases and neurological disorders related to aging where glutamate is involved, such as Huntington's chorea disease. The compounds of formula (I) for medicinal purposes can be used as is

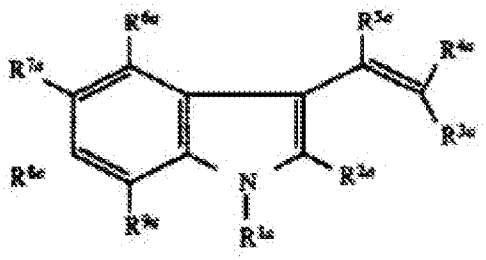


or in the form of pharmaceutically acceptable salts, that is to say non-toxic at the use doses. In the formula (I), R represents a polyfluoroalkoxy or polyfluoroalkyl radical, and either R1 represents a hydroxyl radical and R2 represents a hydrogen atom (col. 1 line 5-20 and col. 2 lines 8-15). The antiglutamate activity of these compounds was determined with respect to convulsions induced by glutamate according to a technique inspired by that of I.P. Lapin, J. Nurual. Transmission, 54, 229-238, 1982. These compounds would read on formula VI-1 as recited in claim 1 (col. 2 line 17-24).

Claims 1, 17-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lundbech et al (US 5,696,148).

Claims are drawn to a method for the treatment or diagnosis of a polyglutamine disease comprising administering a pharmaceutical or diagnostic composition comprising indole compounds according to claim 1.

Lundbech teaches a method for treating diseases in the central nervous system related to the metabotropic glutamate receptor system such as Huntington's chorea (abstract and col. 2 line 46-50). Therapeutically active indole derivatives include compounds of formula

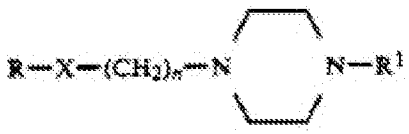


Whererin R1a-R2a are independently C1-6 alkyl and R3a-R9a are independently H or various substitutents (col. 2 line 55+, col. 3 line 1-50 and claims 10-11).

Claims 1, 17-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaen et al (US 5,089,497).

Claims are drawn to a method for the treatment or diagnosis of a polyglutamine disease comprising administering a pharmaceutical or diagnostic composition comprising piperazine compounds according to claim 1.

Jaen teaches a novel substituted piperazines and derivatives thereof useful as pharmaceutical agents and methods of treatment of several central nervous system disorders such as parkinson's disease, huntington's chorea and drpression (abstract and col. 2 line 34-41). The pharmaceutically acceptable compounds include of formula



wherein R is aryl compounds with 1 or 2 rings comprising N, and R1 is indolyl substituted (col. 1 line 50+ and col. 2 line 1-30). The compound of formula I is administered in effective amount in unit dosage form in the treatment of central nervous system disorders.

Conclusion

No claims are allowed at this time.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGADISHWAR SAMALA whose telephone number is (571)272-9927. The examiner can normally be reached on 8.30 A.M to 5.00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Hartley can be reached on (571)272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jake M. Vu/
Primary Examiner, Art Unit 1618

/J. S./
Examiner, Art Unit 1618